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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,058	10/21/2003	James M. Holden	MTIPAT.30CP1C2	6843
20995	7590	02/22/2005	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			VU, VIET DUY	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 02/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/691,058

Applicant(s)

HOLDEN ET AL.

Examiner

Viet Vu

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6,8-36 and 38-59 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4 and 10-27 is/are allowed.
- 6) ☒ Claim(s) 5,6,8,9,28-36 and 38-59 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 2154

1. The latest copy of claims 11-12 and 17-18 appears to contain typo errors that make claims 11-12 and 17-18 dependent of claim 5 instead of claim 10 while the amendment does not identify such changes. Correction is required.

**Art Rejection:**

2. The texts of USC 102(e) and 103(e) not cited here could be found in the previous office action.

3. Claims 5-6, 8-9 are rejected under 35 U.S.C. § 102(e) as being clearly anticipated by Chen et al, U.S. pat. No. 5,602,918.

Chen discloses a system for controlling communications from secured users over a public network to an unsecured user comprising:

- a) a network security device (firewall 5, fig. 1) for permitting communication over unsecured public network (Internet 4, fig. 1) between a secured node (7, 8, fig. 1) and an unsecured node (1, fig. 1) and for dynamically determining whether a user is one of secured user or unsecured user (see col 2, lines 15-20),
- b) a control module for blocking passage of information from the secured user to the unsecured user when not permissible wherein the security device is configured to use association

Art Unit: 2154

establishment messages sent over the network for the secured nodes to authenticate each others (col 4, lines 32-56),

c) an encryptor for encrypting information residing with the secured user (see col 4, line 56 - col 5, line 29).

Per claim 6, it is noted that the conventional firewall examines IP address for identifying secured and unsecured nodes.

4. Claims 28-36 and 38-59 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Chen and further in view of Coley et al, U.S. pat. no. 5,826,014.

Chen does not teach providing firewall operations such as packet filtering to prevent common attacks including denial of service. Coley discloses a prior art firewall for protecting the network against many common attacks. Particularly, such prior art firewall comprises: a security policy for governing the firewall to prevent many types of attacks including denial of service including a table having modifiable entries for performing packet filtering (Coley's col 9, lines 33-45), and a proxy process for queuing a suspicious packet for further processing the packet (Coley's col 9, lines 1-32).

It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize such known firewall

Art Unit: 2154

operations in Chen because it would have enabled protecting the networks against many common attacks.

**Allowable Subject Matter:**

5. Claims 1-4 and 10-27 are allowed over prior art of record.

**Response to Amendment:**

6. Applicant's arguments filed on 1/26/05 with respect to claims 5-6, 8-9, 28-36 and 38-59 have been fully considered but they are moot in view of new grounds of rejection set forth above.

Applicant asserts that Kirby fails to teach sending association messages over the network.

The examiner submits that newly applied art, Chen, now clearly discloses the asserted limitations as set forth above.

**Conclusion:**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Viet Vu whose telephone number is 571-272-3977. The examiner can normally be reached on Monday through Thursday from 8:00am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee, can be reached on 571-272-3964.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

Art Unit: 2154

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



VIET D. VU  
PRIMARY EXAMINER

Art Unit 2154  
2/17/05